



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Council Direction Requested Regarding Response to the San Joaquin County Board of Supervisors for Armstrong Road Agricultural/Cluster Zoning Classification

MEETING DATE: July 15, 2009 – carried forward from June 3, 2009

PREPARED BY: City Manager

RECOMMENDED ACTION: Council direction requested.

BACKGROUND INFORMATION: In early 2007, a group of property owners south of Lodi, in the area under consideration as a community separator between Lodi and Stockton, presented to the San Joaquin County Board of Supervisors, a proposal referred to as “The Armstrong Road Agricultural/Cluster Zoning Classification.” The property owners submitted the proposal as a compromise response to the long-standing community discussion of maintaining a distinct geographical difference between Stockton and Lodi.

The proposal was intended to provide a low level of development that, over time, would discourage more intense development while simultaneously enhancing agricultural-oriented tourism and direct vertically integrated agricultural marketing. This proposal was seen as a means to boost property owners’ income without forcing farmers to convert all of their land to non-agricultural uses.

The Board of Supervisors received the request and asked County staff to provide additional information, such as population density, uses, infrastructure, and other impacts. The County staff responded that they lacked the time or resources to provide the information and suggested the property owners pay for the cost as any other development applicant would.

In turn, the property owners requested that the City of Lodi provide the County with the funding necessary to conduct the research. Upon further discussion between the City and the County, the County solicited proposals from consultants to research, conduct community outreach, draft proposed language, and comply with CEQA to create a Specific Plan for the Armstrong Road region. The cost, excluding County administrative fees, was under \$500,000.

In November 2008, the City Council authorized a not to exceed amount of \$500,000. Following this action, the Mayor wrote two letters to the Board of Supervisors asking that the County Board of Supervisors take up the request as Lodi had agreed to pay the County’s out-of-pocket expenses.

In April 2009, the item came before the Supervisors with the recommendation that the proposal for an Armstrong Road Specific Plan be treated as a development application for the creation of a Specific Plan and the City or property owners pay all costs associated with review and processing of the application for the proposed land use classification. This recommendation not only added additional costs but required

APPROVED: _____

Blair King, City Manager

that the City obtain written permission from the property owners to act as their "authorized agent." In other words, just as a private developer, the City will have to gain "site control" (Please see attached letter from San Joaquin County Community Development Department).

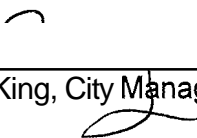
Considering the time and difficulty of arriving at this negative leaning decision, staff feels it would be unproductive at this time to continue along the same approach. This option has been discussed with a coalition of property owners and there is agreement.

However, there is no consensus of what the next steps are. The options are as follows:

- 1) Have the property owners ask the Board of Supervisors to consider the proposal as a part of the County's General Plan Update;
- 2) Ask the City obtain information and conduct the research needed for an informed decision of a similar proposal but, as the City would not be taking action, without the costs of CEQA;
- 3) Determine whether site control can be obtained for a smaller area directly south of Lodi; or
- 4) Take no further action and rely upon the representation by the City of Stockton that northerly development will not occur.

Staff is inclined to encourage the Council to think about developing a Scope of Services that would address the many legitimate questions that exist with regard to the Armstrong Road Cluster Proposal and solicit for professional assistance. Such a Scope of Work might include stakeholder interviews, land use inventory, existing conditions report, consensus building, draft specific plan and zoning ordinance. This would allow for an informed debate and perhaps reduce the assumptions and conjecture that currently surround this proposal.

FISCAL IMPACT: On November 19, 2008, the Council directed the City Manager make available a not to exceed amount of \$500,000.



Blair King, City Manager



**SAN JOAQUIN COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT**

1810 E. HAZELTON AVE., STOCKTON, CA 95205-6232
PHONE: 209/468-3121 FAX: 209/468-3163

APR 27 2009
CITY MANAGER'S OFFICE

April 23, 2009

Blair King, City Manager
City of Lodi, City Hall
221 West Pine Street
Lodi, CA 95240

Dear Mr. King:

Re: Armstrong Road Agricultural/Cluster Zoning Classification

On April 21, 2009, the San Joaquin County Board of Supervisors authorized the Community Development Department to send a letter to the City of Lodi clarifying the Board's position that the City of Lodi must submit the necessary applications for the creation of the Specific Plan and preparation of the Environmental Impact Report (EIR) and pay all costs associated with the review and processing of the applications for the creation of the Armstrong Road Agricultural/Cluster Zoning Classification. Two consulting firms submitted adequate proposals for preparation of the Specific Plan and EIR. Mintier Harnish's proposal is for \$483,486.00 and Augustine Planning Associates is for \$366,208.00. As both proposals meet the requirements of the Request for Proposal, the Community Development Department would like to award the contract to Augustine Planning Associates in the event that the City of Lodi elects to go forward with the project. The total cost for the Specific Plan and EIR would be \$488,108.00, based upon the consultant fee plus the County's administrative fees of 26.5% of the cost of the EIR, **plus 35%** of the cost of the Specific Plan. Enclosed **is an application form for the** Specific Plan.

Section 9-806.2 (enclosed) of the Development Title states that:

Applications for Specific Plans or Specific Plan Amendments may be initiated by the Board of Supervisors, Planning Commission, Director of Community Development, or the property owner or the property owner's authorized agent.

Since the City of Lodi will be the applicant, the City will serve as the "property owner's authorized agent." When the City submits the fees and application materials, the City also needs to submit documentation in writing from the property owners within the

Letter to Blair King
Armstrong Road Cluster Zone
April 23, 2009
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proposed project area that the City of Lodi is representing them in the application process.

Please contact me if you have any questions. I can be reached at (209) 468-3140.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kerry Sullivan".

KERRY SULLIVAN,
DIRECTOR

/eel

Enclosures

c: Board of Supervisors
Manuel Lopez
David Wooten
Mark Myles

File: ClusterZone4-23-09

Armstrong Road Agricultural/Cluster Zoning

Lodi City Council
July 15, 2009



Discussion

Consider response of the Board of Supervisors to Lodi's offer to pay costs for creation and consideration of Specific Plan for the unincorporated area between Lodi and Stockton, from Interstate 5 to Highway 99

History

2007: Property owners requested the Board of Supervisors consider a concept to permit one residential unit per five acres, but allow clustering on one-acre parcels

Intended Outcome

- Low-level development
- Discourage later intensive development
- Provide distinction between communities
- Prevent incompatible uses
- Enhance agriculture-oriented tourism
- Boost property owners' incomes without forcing total conversion of farmland

More background

- County says someone needs to pay
- County-City joint funding discussed
- County issued RFP to obtain costs
- City Council authorized up to \$500,000 on Nov. 18, 2008

Board of Supervisors' response

- Lodi to pay all consultants' costs
- Lodi to pay County's administrative fee for EIR (26.5 percent)
- Lodi to pay County's administrative fee for Specific Plan (35 percent)
- Lodi to obtain written permission from all property owners as authorized agent

(April 21, 2009 vote)

Lodi's response to the Board

Unproductive to respond to conditions

Potential next steps – no consensus

- Take no further action – unofficial representation that no further development by the City of Stockton
- Focus on smaller area directly south of city limits
- Property owners pursue via County General Plan
- Conduct research, hold public forums, obtain more information, build consensus
 - Land-use Plan
 - Circulation
 - Economic Viability
 - Utilities
 - Implementation



Dear Mayor, Council & Staff

I'm sorry I can not be in chambers with you tonight.
This is an important decision tonight on item K-1 the
AL-5 issue.

Please take a moment to read this prior to making your decision.

Thank You, Pat Patrick

LODI CITY CLERK

RECEIVED

2009 JUL 15 PM 1: 13

CITY CLERK
CITY OF LODI

K-1



July 14, 2009

Mayor of Lodi
Larry Hansen, City Council Members
& Senior City Staff
City of Lodi

Ladies & Gentlemen:

Chamber Board Member and winegrape grower Jerry Fry, his son Bruce Fry and I recently made a presentation to the Stockton Chamber of Commerce's Government Relations Council. Our topic was in reference to agenda item K-1 on tonight's July 15 meeting. Our intent was to relay the value and importance of this zoning idea for all of Northern San Joaquin County, and more importantly gain the support of an organization outside of Lodi who agrees that more discussion with the Board of Supervisors is in order and needed on AL-5 Zoning.

I've just learned of the Stockton Chamber's decision, their response in a letter to me is quoted here;
"After a comprehensive conversation the Stockton Chamber GRC unanimously voted to strongly support the concept and encourages representatives from the governing bodies of the cities Lodi and Stockton and the County of San Joaquin, to further evaluate the merits of the proposed AL-5 concept."

While I realize your quick response might be to say, "We have been talking for 15 years." Although you have the right to that response... it kills any future conversation, and it does not recognize the world changes and much has changed in recent months. The changes in thinking, political climate and new laws in just the last 12 months are nothing short of monumental. Specifically here are some key ingredients changing the political climate, appeal, economics and justification for the concept.

- Never before and likely will never again is there a coalition of landowners who are supportive. Surely we know without this single-mindedness there is no hope for anything but years of litigation.
- Ag-Tourism has and is creating new economic opportunities for all parties, cities, county and farmer / land-owners. Vertical integration on small acre farms that go directly to the consumer offers maximum profitability to growers and increased property values to better compete with development values.
- New faces in old places. New Supervisors, like it or not, want to "process" a bit. Thinking positively, our (Lodi leaders) combined experience in the last 10 years should be able to help Supervisors reach conclusions we have discovered on our journey. We have supporters

on the board, also a strong advocate in Ken Vogel, we have support on the Stockton City Council as well.

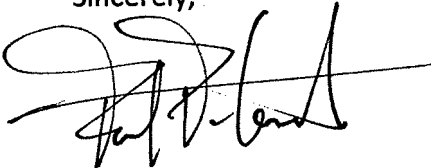
- New land use laws, AB32 & 375 will slow sprawl and Attorney General Jerry Brown has chosen Stockton to be the poster child for in-fill development and major development restrictions on outward sprawl. All this not to mention a different political climate than we saw during the 2x2x2 days. The times have changed things for many shaping factors.

What the Chamber is asking you to consider is to ask the Board of Supervisors to enter into a discussion, a workshop or fact-finding effort, some forum where different agencies could share their vision, explore potential and opportunity. With the latest economic study showing a \$5 Billion impact thus far from our wine industry, we must get the attention of other leaders in the North County to realize and explore the potential of what our farmlands can become if we work together.

Without surety of support from the Board of Supervisors Lodi's funding of the AL-5 EIR, at this point in time, is a huge risk with a large amount of money Lodi can use elsewhere. If you vote tonight not to fund the EIR then with the same stroke you must initiate a campaign to influence the Board on the merits of a zoning plan to accelerate ag-tourism, increase tax revenues, allow for the appreciation of farmland values and provide a naturally green community separator.

The Lodi Chamber, The Stockton Chamber and the strategic plan of the San Joaquin Business Partnership all believe this is an economic development opportunity that can build on our natural assets and maintain our uniqueness and quality of life. Take the lead, please.

Sincerely,

A handwritten signature in black ink, appearing to read 'Pat Patrick', with a long horizontal line extending from the end of the signature.

Pat Patrick
On Behalf of the Board of Directors
& Members of the Lodi Chamber of Commerce

SOLURI MESERVE

A Law Corporation

1822 21st Street, Suite 202
Sacramento, California 95811

916.455.7300 (telephone)

916.244.7300 (facsimile)

www.semlawyers.com

July 15, 2009

Via Facsimile (209) 333-6807

Via Email cityclerk@lodi.gov

Mayor Hansen and City Council Members
City Clerk's Office
221 W. Pine Street
Lodi, CA 95240

Re: Agenda Item K-01 Council Direction Requested Regarding Response to the
San Joaquin County Board of Supervisors for Armstrong Road Agricultural
Cluster Zoning Classification

Dear Honorable Mayor and Council Members:

This firm represents Citizens for Open Government ("COG"), which has been working to preserve farmland and improve the quality of development in the Lodi area for many years. In particular, COG has worked with the City and developers to ensure that mitigation (primarily in the form of conservation easements) is provided when agricultural land is developed. COG **also** has a strong interest in the creation of a community separator that remains in agricultural use. Such a separator would preserve the **quality** of life for residents of **Lodi** as well **as** promote the continuing productivity and viability of farming in the area.

COG agrees with the Staff Report conclusion that proceeding further with the County to fund a development application and associated review for the creation of a Specific Plan would be unproductive. In addition to being costly, COG is also concerned that the ultimate result of an Agricultural/Cluster Zoning Classification would not result in progress toward **an** agriculturally viable community separator. COG is sensitive to the property interests of landowners within the target area, and agrees that it is not feasible for this area to be a pure "greenbelt." However, the ultimate land uses for this area should be compatible with ongoing agricultural uses: *As* has been discussed at length with respect to development of farmland at the perimeter of developed areas within the City, agricultural operations can be incompatible with residential uses, necessitating use of buffers and other measures in order to allow the two uses to proceed harmoniously.

Mayor Hansen and City Council Members
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Moreover, **as** has been documented by the American Farmland Trust and others, smaller parcels ultimately lead to urbanization. (See, e.g., <http://www.farmland.org/programs/states/flmeisnow/default.asp>.)

The **Staff** Report presents four options for the Council's consideration. COG recommends consideration of a **fifth** option, which is a variation of **Option 2**. Specifically, COG would like the opportunity to work with City planning staff to develop other options (besides the **A-5** cluster zoning concept) that would result in an agriculturally viable community separator. While COG recognizes that significant time and resources have already been dedicated to this issue, COG believes that additional options may exist that have not yet been fully explored. After this additional information gathering process at the staff and community level (taking perhaps two months) the Council would be in a better position to make a determination as to which option(s) should be researched/analyzed further by **an** outside planning consultant. This approach would conserve fiscal resources until a proposal meriting additional public investment can be formulated.

* * *

Thank you for considering the information contained in this letter. Please feel free to contact me if you have any questions or I can provide any further information that would assist the Council in its consideration of this important matter.

Very truly yours,

SOLURI MESERVE
A Law Corporation

By: 
Osha R. Meserve

ORM/mre

cc: Blair King, City Manager, bking@lodi.gov
Rad Bartlam, Interim Community Development Director, rbartlam@lodi.gov
Steve Schwabauer, City Attorney, sschwabauer@lodi.gov